



Community Development Department
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Minutes
WASHINGTON CITY PLANNING COMMISSION
November 6, 2013

Present: Commissioner Schofield, Commissioner Smith, Commissioner Shepherd, Commissioner Williams, Commissioner Papa, Attorney Jeff Starkey, Councilman Kress Staheli, Mike Shaw, Drew Ellerman, Kathy Spring, Brandee Walker, Richard Rogers, David Wonnacott, Walter Plumb.

Meeting called to order: 5:32 P.M.

Invocation: Commissioner Papa

Pledge of Allegiance: Commissioner Smith

1. **APPROVAL OF AGENDA**

A. Approval of the agenda for November 6, 2013.

Commissioner Smith motioned to approve the agenda with item 7-A withdrawn per applicants request.

Commissioner Williams seconded the motion.

Motion passed unanimously.

2. **APPROVAL OF MINUTES**

A. Approval of the minutes from September 18, 2013.

Commissioner Shepherd motioned to approve the minutes from September 18, 2013.

Commissioner Smith seconded the motion.

Motion passed unanimously.

B. Approval of the minutes from October 2, 2013.

Commissioner Shepherd motioned to approve the minutes from October 2, 2013.

Commissioner Williams seconded the motion.

Motion passed unanimously.

3. **DECLARATION OF ABSTENTIONS & CONFLICTS**

None

4. SUBDIVISION NAME CHANGE

- A. Consideration and recommendation to City Council to change a Subdivision Name from Westlands at Stucki Farms to The Homesteads at Stucki Farms. Applicant: Karl Larson

Background

Drew Ellerman stated the applicant is requesting approval of a name change to an approved preliminary plat for the Westlands at Stucki Farms. They are wishing to change the name to The Homesteads at Stucki Farms, located at approximately 4800 East Washington Fields Road. The applicant is wishing to simply change the name of the subdivision.

The original preliminary plat was approved back on March 27, 2013. If approved the preliminary plat will have the same conditions of approval from the original (Westlands at Stucki Farms) subdivision attached to it, as well as the time limit from the March approval date.

Recommendation

Staff recommends that the Planning Commission recommend approval of the Name Change for the Preliminary plat of The Homesteads at Stucki Farms subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The preliminary plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the preliminary plat conforms to the Zoning and the Subdivision Ordinances as conditioned.

Conditions

1. A preliminary and final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.
2. A final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.
3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.
4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.
5. At the time of final plat submittal, the following documents shall also be submitted:
 - A. A title report.
 - B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).

6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.
7. A final landscaped plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.
8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.
9. Driveway locations are to be approved by the Public Works Department.
10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.
11. The two access roads, closest to the intersection of Washington Fields Road and Stucki Farms Parkway, will have to be right in and right out turns only. A raised median will be required on both Washington Fields Road and Stucki Farms Parkway due to access management guidelines and the road size(s) of both these roads (106' plus).

Commissioner Smith motioned to recommend approval to City Council with the findings and conditions of staff.

Commissioner Williams seconded the motion.

Motion passed unanimously.

5. **ZONING ORDINANCE AMENDMENT**

- A. Public Hearing for the purpose to discuss and make recommendation to City Council the following amendment to the Washington City Codes for Zoning: Title 9, Chapter 1 General Provisions Section 6 Definitions Childcare Facility: to amend the number of children from 4 or more to meet the number that the State allows. Applicant: Washington City, Drew Ellerman

Background

Drew Ellerman stated the City is wishing to amend the City Code for the purpose of keeping in line with amendments to the state of Utah laws and regulations as it pertains to Childcare Facilities. The state recently changed the minimum number of children allowed in a preschool or daycare operation to require a license from the state and therefore from the city as well.

The old number was four (4) children or more, and the new number is five (5) children or more, now requires the above mentioned license from the state and a business license from the city.

This amendment will keep us in compliance with state regulations.

With that said, staff is wishing to have our city code in line with the state code.

Recommendation

Staff recommends that the Planning Commission recommend approval of the Amendment to the Washington City Code, Title 9-1-6, Definitions, more specifically, Childcare Facility to the City Council, based on the following findings:

Findings

1. The State of Utah Code regulates the number of children allowed in an establishment, caring for or instructing of, and the requirements for licensing and procedures of operation.
2. Washington City Code, Title 9-1-6, "Definitions", specifically "Childcare Facility" will be amended to read as follows:

CHILDCARE FACILITY: An establishment for the care and/or instruction of five (5) or more children, other than members of the family residing on the premises, where all state licenses and regulations, including Utah Code Annotated title 55, Chapter 9, are met and all adopted building code requirements are complied with.

Commissioner Papa asked if this affects people currently doing childcare. He recommended a letter be sent to the daycares to inform them of this change.

Drew Ellerman stated that it could affect a few of them and a notice would be a good idea.

Commissioner Schofield opened the public hearing.

No response.

Commissioner Smith motioned to close the public hearing.

Commissioner Williams seconded the motion.

Motion passed unanimously.

Commissioner Williams motioned to recommend approval to City Council with the findings of staff.

Commissioner Papa seconded the motion.

Motion passed unanimously.

6. FINAL PLAT

- A. Consideration and recommendation to City Council for the Final Plat for Westgate Hills Phase 2B located at approximately 200 North along Westgate Hills Drive.
Applicant: Richard Rogers

Background

Drew Ellerman stated the applicant is requesting approval of a final plat for Westgate Hills, Phase 2B subdivision, located at approximately 200 North along Westgate Hills Drive.

This particular phase of the subdivision is proposing 7 lots on an area covering 9.02 acres. The specific location of this subdivision is zoned Planned Unit Development (PUD). The original Preliminary Plat was approved back on June 13, 2007.

Staff has reviewed the requested proposal, and the proposed final plat, phase 2B, conforms to the approved preliminary plat.

Recommendation

Staff recommends that the Planning Commission recommend approval of the Final plat for the Westgate Hills, Phase 2B subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The final plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the final plat conforms to the Washington City Zoning Ordinance and Subdivision Ordinance as outlined.
3. The proposed final plat conforms to the approved preliminary plat.

Conditions

1. All improvements shall be completed or bonded for prior to recording the final plat.
2. A current title report policy shall be submitted prior to recording the final plat.
3. Any referenced control monuments related to this subdivision shall be in place prior to recordation of the final plat. A stamped and signed letter from a professional land surveyor licensed in the state of Utah that verifies that the referenced control monuments are in place shall be submitted to the Community Development Department for filing prior to plat recordation.
4. Where applicable, in the General Notes where the terms "Home Owners Association", or "Property Owners", shall be changed to read as "Property Owners and/or Home Owners Association".
5. That a post maintenance agreement be recorded prior to the recording of the final plat.

Commissioner Schofield stated he is concerned with the scarring on the hillside. There is a cut in the hill that is noticeable.

Mr. Ellerman stated the west side of this project has a protection. Preliminary plat approval was given on the project in 2007 and the Hillside Ordinance was approved in 2009. This project is exempt because it was approved prior the approval of the Hillside Ordinance.

Curtis Rogers stated that they understand the concern with the hillside cutting but they plan to build homes that have roof heights that will cover the cutting. There will be walls and landscaping that will match the surrounding area.

Commissioner Schofield stated that he appreciated their consideration to the hillside.

Mr. Rogers stated what is already done is about all that will be done to the hillside.

Commissioner Schofield stated there is a house that is being built to the south that doesn't cover the scarring.

Mr. Rogers stated what is seen is the next lot and the house will cover the cut.

Commissioner Shepherd stated lot 22 is pretty ugly in regards to the scarring of the hillside.

Commissioner Williams stated he appreciates the applicant trying to mitigate the cutting.

Commissioner Schofield stated he would like extra attention paid to hillsides and cutting too much into the hillside. He asked how many more phases are there for this project.

Mr. Rogers stated one more.

Commissioner Smith motioned to recommend approval to City Council with the findings and conditions of staff.

Commissioner Williams seconded the motion.

Motion passed unanimously.

- B. Consideration and recommendation to City Council for the Final Plat for Brookhaven Fields Phase 2 located at approximately 3200 South 20 East.
Applicant: Robert Smith

Background

Drew Ellerman stated the applicant is requesting approval of a final plat for Brookhaven Fields, Phase 2 subdivision, located at approximately 3200 South 20 East. This particular phase of the subdivision is proposing 19 lots on an area covering 7.60 acres. The specific location of this subdivision is zoned RA-1 (Residential Agricultural - one acre min.), in conjunction with the Bonus Density Program. The original Preliminary Plat was approved back on November 22, 2011.

Staff has reviewed the requested proposal, and the proposed final plat, phase 2, conforms to the approved preliminary plat.

Recommendation

Staff recommends that the Planning Commission recommend approval of the Final plat for the Brookhaven Fields, Phase 2 subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The final plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the final plat conforms to the Washington City Zoning Ordinance and Subdivision Ordinance as outlined.
3. The proposed final plat conforms to the approved preliminary plat.

Conditions

1. All improvements shall be completed or bonded for prior to recording the final plat.
2. A current title report policy shall be submitted prior to recording the final plat.
3. Any referenced control monuments related to this subdivision shall be in place prior to recordation of the final plat. A stamped and signed letter from a professional land surveyor licensed in the state of Utah that verifies that the referenced control monuments are in place shall be submitted to the Community Development Department for filing prior to plat recordation.
4. Where applicable, in the General Notes where the terms "Home Owners Association", or "Property Owners", shall be changed to read as "Property Owners and/or Home Owners Association".
5. That a post maintenance agreement be recorded prior to the recording of the final plat.

Commissioner Schofield asked if the Developer is the same as phase 1.

Mr. Ellerman stated yes, Robert Smith is the same person they have been dealing with.

Commissioner Schofield stated his understanding is the lots are being sold to different builders. He asked if the homes would be built with the same design.

Mr. Ellerman stated he thinks they probably will be different. There is a Development Agreement for Brookhaven.

Commissioner Williams asked if the CC&Rs define the design. He stated he likes variety of homes.

Brandee Walker stated the CC&Rs do define the design.

Commissioner Schofield stated if the developer walks away what would change.

Ms. Walker stated only a small portion of the project is built out. Henry Walker and Robert Smith are partners and Henry Walker is too busy to keep doing the project. Brookhaven has treelined streets and planter strips. The playground and pool are done and they were built up front.

Commissioner Shepherd motioned to recommend approval to City Council with the findings and conditions of staff.

Commissioner Williams seconded the motion.

Motion passed unanimously.

7. ZONE CHANGE

- A. Public Hearing for consideration and recommendation to City Council for a Zone Change Z-13-12 to change from OS (Open Space) to R-1-10 (Residential Single Family 10,000 sq foot lots) located at approximately North End of Green Springs Drive. Applicant: SITLA/Brennan Holdings LLC

Background

Drew Ellerman stated the applicant is pulling the application at this time, they will be back at a later date with a different request for a different zoning classification.

Unfortunately, notices had already been sent out to the paper and surrounding neighbors, so this item still needed to be on the agenda.

- B. Public Hearing for consideration and recommendation to City Council for a Zone Change Z-13-13 to change from OS (Open Space) to R-1-8 (Residential Single Family 8,000 sq foot lots) located at approximately 900 East 4100 South.
Applicant: Walter Plumb

Background

Drew Ellerman stated the applicant is requesting approval to change the zoning of approximately 13.66 acres, located at the northwest corner of 900 East 4100 South. The requested change is from the current zoning of Open Space (OS) to a proposed Single-Family Residential - 8,000 Square Foot Min. (R-1-8) zoning designation.

The General Plan Land Use Map designation for this location is Low Density Residential (LD) which allows for zoning categories of R-1-8, R-1-10 and R-1-12 and density ratios of 3 to 4.5 dwelling units per acre. The surrounding zoning districts are R-1-8 to the north, Open Space to the east and south and Agricultural to the west.

The applicant is wishing to rezone this particular area to the R-1-8 zoning designation to add to the project they are currently designing directly north of these 13.66 acres (the Sugar Plum in the Fields subdivision) which is also zoned with the R-1-8 zoning designation.

Staff has reviewed the proposal, it does fall within the General Plan Land Use plan, which was recently amended at this particular location.

Recommendation

Staff recommends that the Planning Commission recommend approval of Z-13-13, for the zone change request from Open Space (OS) to Single-Family Residential (R-1-8), to the City Council, based on the following findings:

Findings

1. That the requested zoning conforms to the intent of the land use designation of the General Plan.
2. That the requested zoning will be compatible with surrounding developments.
3. That the utilities that will be necessary for this type of development will be readily accessible to the site.

Commissioner Schofield asked if they allow the R-1-8 would it alter the Sugar Plum project.

Mr. Ellerman stated there would be a variety of lot sizes 8,000 to 10,000 square feet because of the pipeline.

Commissioner Papa asked what the zoning is on the property below.

Mr. Ellerman replied it is open space. On the General Plan it is designated as a park area owned by the Edwards Family Trust. The area will have some commercial and schools. He stated Washington Fields Road and the Southern Corridor would be able to handle the traffic. This will be the last R-1-8 zone in the fields area we are amending the General Plan.

Walter Plumb stated this will stay the same as the project to the north, there will only be about 5 lots that will be 8,000 to 9,000 sq foot lots. The Edwards property has drainage and soils issues that are problematic but would be good for a park.

Commissioner Schofield opened the public hearing.

No response.

Commissioner Papa motioned to close the public hearing.

Commissioner Smith seconded the motion.

Motion passed unanimously.

Commissioner Shepherd motioned to recommend approval to City Council with the findings and conditions of staff.

Commissioner Williams seconded the motion.

Motion passed unanimously.

8. DISCUSSION ITEMS

A. Discussion of Vacation Rental Codes.

Drew Ellerman reviewed the draft of the CUP and the Overlay Zone for Short Term Residential Rentals and the submitted comments by the Planning Commissioners.


Commissioner Shepherd motioned to adjourn the Planning Commissioner meeting.

Commissioner Smith seconded the motion.

Motion passed unanimously.

Meeting adjourned: 7:26 PM

Washington City

Signed by: 

Rick Schofield, Chairman

Attested to: 

Kathy Spring, Zoning Technician